



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

11 ALAN R. KAHN, Derivatively on Behalf of) Case No. C 10-02935 JW
12 CELERA CORPORATION,)
13 Plaintiff,)
14 v.)
15 KATHY ORDONEZ, RICHARD H.)
16 AYERS, JEAN-LUC BELINGARD,)
17 WILLIAM G. GREEN, PETER BARTON)
18 HUTT, GAIL K. NAUGHTON, WAYNE I.)
19 ROE and BENNETT M. SHAPIRO,)
20 Defendants,)
21 and)
22 CELERA CORPORATION,)
23 Nominal Defendant.)
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1 WHEREAS, there are presently two related shareholder derivative actions against certain of
2 the officers and directors of Celera Corporation ("Celera") on file in this Court;

3 WHEREAS, in an effort to assure consistent rulings and decisions and the avoidance of
4 unnecessary duplication of effort, all of the counsel for plaintiffs as well as counsel for nominal
5 defendant Celera in the related Celera shareholder derivative actions currently on file in this Court
6 enter into this stipulation. The counsel are: (1) Robbins Umeda LLP, Harold B. Obstfeld, P.C., and
7 Gardy & Notis, LLP on behalf of plaintiff Alan R. Kahn; (2) Robbins Umeda LLP on behalf of
8 plaintiff Betty Greenberg; and (3) Latham & Watkins LLP on behalf of nominal defendant Celera;

9 WHEREAS, plaintiffs and nominal defendant Celera agree that it would be duplicative and
10 wasteful of the Court's resources for defendants named in plaintiffs' shareholder derivative actions
11 to have to respond to the individual complaints prior to the agreed upon consolidation.

12 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by plaintiffs and
13 nominal defendant Celera, through their respective counsel of record, as follows:

14 1. The following actions are hereby related and consolidated for all purposes, including
15 pre-trial proceedings and trial:

	<u>Case Name</u>	<u>Case Number</u>	<u>Date Filed</u>
16	<i>Kahn v. Ordonez, et al.</i>	No. C 10-02935 EMC	July 2, 2010
17	<i>Greenberg v. Ordonez, et al.</i>	No. C 10-03029 BZ	July 9, 2010

20 2. Every pleading filed in the consolidated action, or in any separate action included
21 herein, shall bear the following caption:

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1 3. The files of the consolidated action shall be maintained in one file under Master File
2 No. C 10-02935 JW. **The Clerk shall close No. C 10-03029 JW.**

3 4. Plaintiffs shall file a Consolidated Complaint on or before **October 15, 2010.**

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7 Defendants shall respond to the operative complaint or Consolidated Complaint within
8 sixty days after service, unless otherwise agreed by the parties or ordered by the Court. In the event
9 that defendants file any motions directed at the operative complaint or Consolidated Complaint, the
10 opposition and reply briefs shall be filed within sixty and thirty days, respectively, of the motions,
11 unless otherwise agreed upon by the parties or ordered by the Court. Counsel agrees to confer to
12 select a hearing date.

13 || 5. All of the counsel for plaintiffs propose as follows:

14 a. The Lead Plaintiffs for these consolidated actions are Alan R. Kahn and
15 Betty Greenberg.

19 Marc M. Umeda
20 George C. Aguilar
21 Julia M. Williams
22 ROBBINS UMEDA LLP
600 B Street, Suite 1900
San Diego, CA 92101
Telephone: (619) 525-3990
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23 Mark C. Gardy
24 James S. Notis
25 Kelly A. Noto
26 GARDY & NOTIS, LLP
27 560 Sylvan Avenue
Englewood Cliffs, NJ 07632
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c. Plaintiffs' Co-Lead Counsel shall have sole authority to speak for plaintiffs in matters regarding pre-trial procedure, trial, and settlement and shall make all work assignments in such manner as to facilitate the orderly and efficient prosecution of this litigation and to avoid duplicative or unproductive effort.

d. Plaintiffs' Co-Lead Counsel shall be responsible for coordinating all activities and appearances on behalf of plaintiffs. No motion, request for discovery, or other pre-trial or trial proceedings shall be initiated or filed by any plaintiff except through plaintiffs' Co-Lead Counsel.

e. Plaintiffs' Co-Lead Counsel shall be available and responsible for communications to and from this Court, including distributing orders and other directions from the Court to counsel. Plaintiffs' Co-Lead Counsel shall be responsible for creating and maintaining a master service list of all parties and their respective counsel.

f. Defendants' counsel may rely upon all agreements made with plaintiffs' Co-Lead Counsel, or other duly authorized representative of plaintiffs' Co-Lead Counsel, and such agreements shall be binding on all plaintiffs.

6. Nominal defendant Celera takes no position as to the appointment of Lead Plaintiffs or Co-Lead Counsel.

The Court declines to adopt the remaining provisions of the parties' Stipulation.

The parties shall appear for a Case Management Conference on **November 15, 2010 at 10 a.m.** On or before **November 5, 2010**, the parties shall file a Joint Case Management Statement with their proposals as to how this case should proceed consistent with the PSLRA.

Dated: September 23, 2010


James Ware